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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1949

No. 33

CHARLES QUICKSALL,

Petitioner,

vs.

PEOPLE OF THE STATE OF MICHIGAN

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE
OF MICHIGAN

MOTION FOR LEAVE TO FILE SUPPLEMENT TO
RECORD.

EDMUND E. SHEPHERD,

Solicitor General of the State of Michigan,

Counsel for Respondent.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1949

No. 33

CHARLES QUICKSALL,

Petitioner,

vs.

PEOPLE OF THE STATE OF MICHIGAN

**ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE
OF MICHIGAN**

**MOTION FOR LEAVE TO FILE COPY OF CERTIFIED
SUPPLEMENT TO RECORD**

The respondent, by Edmund E. Shepherd, Solicitor General of the State of Michigan, respectfully moves the Court to grant permission to file as part of the record of this cause in the court below, the attached certified copy of a transcript of the testimony of two witnesses, viz., one Charles W. Struble and one Harry Ryscamp, sheriff and deputy-sheriff, respectively, of the county of Kalamazoo, Michigan, taken on the 9th day of May, 1947 before the circuit judge

upon hearing of the petitioner's motion for leave to file a delayed motion for new trial, and for the following reasons:

1. The transcript aforesaid, as appears from the certificate of the clerk of the Supreme Court of the State of Michigan, constitutes a supplement to the record of said court in this cause and was duly submitted to and considered by the court in rendering its decision and judgment herein.

2. A true copy of such transcript is set forth in the "Response on behalf of the People of the State of Michigan" filed with the Clerk of this Court prior to the granting of a writ of certiorari.

3. It clearly appears from such transcript and from the printed record, page 61, as well as from the "memorandum" of the circuit judge (R. p. 32), that the testimony of such witnesses was taken in open court during the hearing of petitioner's motion for leave to file a delayed motion for new trial.

4. Such transcript was omitted from the printed record through inadvertence.

5. The testimony aforesaid is essential to a fair consideration of the questions presented to this Court for decision.

Respectfully submitted,

EDMUND E. SHEPHERD,
Solicitor General of the State of Michigan,
Counsel for Respondent.

STATE OF MICHIGAN, THE CIRCUIT COURT FOR THE
COUNTY OF KALAMAZOO

THE PEOPLE OF THE STATE OF MICHIGAN,

vs.

CHARLES QUICKSALL,

Defendant

SUPPLEMENTAL RECORD

Testimony of Charles W. Struble and Harry Ryskamp

Before Hon. George V. Weimer, Circuit Judge, at
Kalamazoo, Michigan, Friday A. M., May 9, 1947

Appearances:

Mr. Robert J. Barber, Prosecuting Attorney, for the
People.

Charles Quicksall, in pro per.

The Court: Well, now, Mr. Struble is here. I am going
to ask you to just sit down in the chair a moment. We
have to have Mr. Struble sworn.

CHARLES W. STRUBLE, a witness, produced, sworn and
examined on behalf of the People, testified as follows:

Direct examination.

Questions by the Court:

Q. Mr. Struble, you were sheriff of this county for
several years including 1937?

A. Yes sir.

Q. You remember Quicksall, the Defendant?

A. Yes sir.

Q. You remember talking with him before he pleaded guilty?

A. I do.

Q. Did you at any time or did Mr. Tedrow in your presence at any time deny Quicksall the right to get in touch with his friends and neighbors or relatives or to get a lawyer?

A. No sir.

Q. He has made an affidavit in which he states you denied him the right to the use of a telephone so that he could get in touch with somebody?

A. No sir.

Q. He states that he was denied the right to consult with his lawyer, his family or friends and relatives. You remember about that?

A. That isn't true.

Q. He states that in talking with you and Mr. Tedrow, the Prosecuting Attorney, that he definitely denied or stated that he was not guilty of the crime charged against him. Did he ever say that to you?

A. No sir.

Q. So far as you can recall, did he ever at any time ask of you to get a lawyer or to get in touch with a lawyer?

A. No.

Q. He says in his affidavit that he was refused the right to get a lawyer or to have the assistance of counsel; that he was advised by the sheriff and Prosecuting Attorney that he could not have the assistance of counsel, nor could he have any visits until he had been in Court.

A. No sir.

Q. Any truth in all that?

A. No truth.

Q. He says in his affidavit that he was advised by the Sheriff and Prosecuting Attorney that he better plead guilty to the charge of manslaughter, and that he, the Prosecuting Attorney, would see that he automatically would receive a sentence of two to fifteen years. Did you ever hear of anything like that?

A. I never did.

Q. Mr. Tedrow, the then Prosecuting Attorney, is now desperately stricken with paralysis?

A. He is.

Q. You know that?

A. I saw him day before yesterday.

Q. Unable to talk?

A. Yes sir.

Q. Bedridden?

A. Yes sir.

Q. He says under oath that he was not informed by the Sheriff or Prosecuting Attorney that if he entered a plea of guilty he would be sentenced to life imprisonment. Of course you didn't know what he would be sentenced?

A. I didn't know.

The Court: Well, now, I am sorry, but I have got to have a recess for about thirty minutes. Anything more to show by Mr. Struble that you want to show? You want to ask him any questions, Quicksall?

Mr. Quicksall: I would, your honor.

(Court here took a recess.)

The Court: Anything further from Mr. Struble?

Mr. Barber: I think we should put him back on the stand and give the Petitioner a right to ask him any questions that he wishes to.

The Court: That is right.

Mr. Quicksall: I just have two questions I want to ask the witness, your honor.

Cross-examination.

By Mr. Quicksall:

Q. Mr. Struble, when I was in the hospital you recall the story of the acid—coming up there and throwing acid in my face?

A. Such a report, yes.

Q. And you recall the Prosecutor, Mr. Paul Tedrow, when he promised me that if I would plead guilty that I would get two to fifteen years?

A. No.

Q. For manslaughter?

A. No.

Mr. Quicksall: That is all, your honor.

The Court: There isn't any question that Mr. Tedrow is unavailable as a witness. We all know that he is desperately stricken with a paralytic stroke; that he is bed-ridden and unable to talk; that he can't be produced. Is there anything further that you want, Quicksall?

Mr. Quicksall: That is all, your honor.

The Court: Mr. Ryskamp.

HARRY RYSKAMP, a witness, produced, sworn and examined on behalf of the People, testified as follows:

Direct examination.

Questions by the Court:

Q. You are a deputy sheriff?

A. I am.

Q. And Court Officer?

A. Yes sir.

Q. Do you remember the Quicksall case?

A. I do.

Q. You were on duty part of the time at the hospital?

A. As a guard, yes sir.

Q. Here is a report that appears to be signed by you. Did you sign it?

A. I did. I also typed it.

Q. You typed it?

A. Yes sir.

Q. At the time?

A. From notes.

Q. At the time when it was fresh?

A. That is right.

Q. July 2nd?

A. July 3rd, the morning of July 3rd.

Q. You will read it into the record.

A. "Subject: Case of Charles Quicksall, dated July 3, 1937, by Ryskamp. I was unable to get much information

from prisoner until about 5 A. M. He then apparently felt better after his night's rest and seemed willing to talk as follows: 'How long will I have to lay here? I wish to Christ it had taken effect on me like it did on her. If I get over this it will mean life for me anyway.' When I asked him what brought it all on, his reply was: 'I don't know. We were just sitting there drinking beer.' And then I asked him if it was agreed on that they die together. His answer was 'yes. What time did she die?' He then had a bad coughing spell, so I stopped questioning him," and my signature at the bottom.

The Court: All right. Any questions?

Mr. Quicksall: None, your honor.

I, Ford R. Wilber, Official Stenographer of the Ninth Judicial Circuit, do hereby certify that the above and foregoing is a true and correct transcript of my stenographic notes of the testimony of Charles W. Struble and Harry Ryskamp, taken upon said hearing on May 9, 1947, and of the whole thereof.

(Sgd.) FORD R. WILBER,
*Official Stenographer,
Ninth Judicial Circuit.*



IN THE SUPREME COURT OF THE STATE OF MICHIGAN

No. 43970

THE PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

vs.

CHARLES QUICKSALL,

Defendant

• IN THE SUPREME COURT, ss:

I, Jay Mertz, Clerk of the Supreme Court of the State of Michigan, do hereby certify that the annexed and foregoing is a true and correct copy of a transcript of the testimony of one Charles W. Struble and one Harry Ryskamp, taken before Honorable George V. Weimer, Circuit Judge, at Kalamazoo, Michigan, Friday A. M., May 9, 1947, upon the hearing of defendant's motion for leave to file a delayed motion for new trial. I further certify that said transcript was filed in the office of the clerk of the Supreme Court of the State of Michigan as a supplemental record on the 17th day of September, 1948, that it constitutes a part of the record in this cause and that it was duly submitted to and considered by the Supreme Court of the State of Michigan prior to its decision; that I have compared the same with the original, and that it is a true transcript therefrom and of the whole thereof.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the said Supreme Court at the City of Lansing, this twenty-eighth day of December, in the year of our Lord, one thousand nine hundred and forty-nine.

[SEAL.]

JAY MERTZ,
*Clerk of the Supreme
Court of Michigan.*